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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,293	02/20/2002	Ronald K. Eyre	47920/CM/M277	7553

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EXAMINER
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DANG, HOANG C

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/079,293

Applicant(s)

EYRE ET AL.

Examiner

Hoang Dang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-17 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-33 is/are allowed.
- 6) ☒ Claim(s) 9, 11-16 and 19-28 is/are rejected.
- 7) ☒ Claim(s) 10 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Terminal Disclaimer***

2. The terminal disclaimer filed on August 1, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the U.S. Patent 6,202,772 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 21 and 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The expression "the non-uniform portion" in claim 21, line 2 has no proper antecedent basis.

Claim 22 is incomplete.

#### ***Claim Rejections - 35 USC § 102***

4. The Declaration filed on August 1, 2003 under 37 CFR 1.131 is sufficient to overcome the Matthias '474 reference
5. Claims 16, 19, 20, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jurewicz (6,068,071).

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Contrary to applicant's argument, the claimed structure reads exactly on the reference's when surface 5 in Figure 2 of Jurewicz is considered as the "canted portion" and the remaining top surface of substrate 7 is the "uncanted portion".

As for claims 21 and 22, since the width of surface 5 and the width of the top surface of substrate 7 vary, the "canted portion" and "uncanted portion" of Jurewicz is non-uniform as broadly recited.

6. Claims 9, 11, 12, 13, 14, 15, 23, 25, 26, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tank et al (US 5,590,727).

The claimed structure reads exactly on the reference's when the top surface where the lead line of reference numeral 70 extends to in Figure 4 of Tank et al is considered as the "uncanted portion" and the remaining of the end surface of substrate 70 is considered as the "canted portion" as recited.

As for claims 13, 14 and 25, the "uncanted portion" (the top surface where the lead line of reference 70 extends to) as shown in Figure 4 of Tank et al '727 is "non-uniform" in its width, i.e., surface 70 being smaller at the opposite ends.

7. Claims 9, 11, 12, 13, 14, 15, 23, 25, 26, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cooley (US 5,881,830).

The claimed structure reads exactly on the reference's when the surface 116 shown in broken lines in Figure 3 is considered as the "end surface" as recited. The flat portion of surface 116 is considered as the "uncanted portion" and the inclined portion of surface 116 is considered as the "canted portion". It is noted that Cooley discloses in column 8, lines 36 et sq. that the end surface of the substrate may be planar or may comprise a plurality of radially extending peaks

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and interposed valleys. These radially extending peaks and interposed valleys constitute "non-uniform" or "non-planar" as called for in some of the above listed claims.

***Response to Arguments***

8. Applicant's arguments with respect to claims 9, 11-16 and 19-28 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

9. Claims 10 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 29-33 are allowed.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

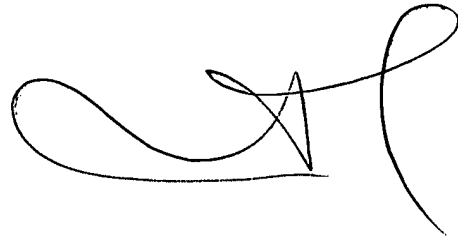
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

**Hoang Dang**  
**Primary Examiner**  
**Art Unit 3672**

10079293.2non  
October 30, 2003

A handwritten signature in black ink, consisting of a series of loops and a final vertical stroke, positioned below the printed name and title.